

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARLO D. ZIRKLE,

6:12-cv-1483-TC

Plaintiff,

v.

FINDINGS AND RECOMMENDATION

NORDSTROM INC., a Washington
Corporation licensed to do business in Oregon,

Defendant.

COFFIN, Magistrate Judge:

Plaintiff filed this action in the Circuit Court of the State of Oregon for the County of Marion on July 9, 2012, asserting negligence related to her detention by an employee of defendant Nordstrom for investigation of shoplifting. Defendant removed the action to this court on August 16, 2012.

On March 15, 2013, defendant moved for summary judgment and plaintiff failed to respond to the motion. On May 6, 2013, the court ordered plaintiff to show cause why summary judgment should not be granted and warned plaintiff that a failure to respond would result in a

recommendation that summary judgment be granted. To date, plaintiff has not responded.

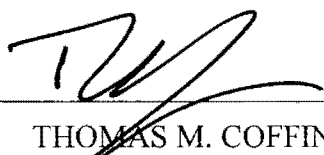
For the reasons stated in defendant's memorandum in support of summary judgment (#7), the court finds that summary judgment is appropriate. Moreover, dismissal of this action is alternatively warranted due to plaintiff's failure to prosecute and failure to follow a court order.

CONCLUSION

Pursuant to the findings above, I recommend defendants' motion for summary judgment (#6) be granted and this action should be dismissed.

The above Findings and Recommendation will be referred to a United States District Judge for review. Objections, if any, are due no later than fourteen days after the date this recommendation is filed. The parties are advised that the failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991). If no objections are filed, review of the Findings and Recommendation will go under advisement on that date. If objections are filed, any party may file a response within fourteen days after the date the objections are filed. Review of the Findings and Recommendation will go under advisement when the response is due or filed, whichever date is earlier.

DATED this 17th day of May 2013.



THOMAS M. COFFIN
United States Magistrate Judge